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Federal Express Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

HULAC, et al.,

**No. C 3:08-1557-JSW**

Plaintiffs,

v.

**NOTICE OF PENDENCY  
OF OTHER ACTION**

FEDERAL EXPRESS CORPORATION,

Defendant.

Pursuant to Northern District of California Local Rule 3-13, Defendant Federal Express Corporation ("FedEx") states that, to its knowledge, one action currently pending in the Central District of California, *Clausnitzer, et. al. v. Federal Express Corporation*, No. SACV05-1269 DOC, involves all or a material part of the subject matter of this instant action.

The named Plaintiffs in *Clausnitzer* are Ronald Clausnitzer, Andy Kubicki, Gabriel Contreras, Frank Martinez, and Jody Lynn Mitchell. All Plaintiffs are current or former couriers of FedEx who filed the complaint as a collective action alleging age discrimination under the ADEA. David L. Rose and Earlene W. Rosenberg of Rose & Rose P.C., are counsel for Plaintiffs

1 in *Clausnitzer*, as they are in this action. Most of the named Plaintiffs in this action filed Notices  
2 of Consent to Opt-in to the proposed class in *Clausnitzer*, although class certification was denied  
3 in that action on October 18, 2007. All of the individual claims of the named Plaintiffs in  
4 *Clausnitzer* were dismissed by summary judgment on March 18, 2008, two days before this action  
5 was filed. Motions for Reconsideration are still pending.

6 The *Clausnitzer* action involves a material part of the subject matter of this instant action  
7 because both actions allege age discrimination by FedEx on a nationwide basis as the result of  
8 application of unspecified policies. Each proposed class purports to encompass all couriers  
9 nationwide, although this action adds similar allegations about other job positions within FedEx.

10 Transfer to the Central District is appropriate to avoid conflicts in factual and legal  
11 determinations, conserve resources, and promote an efficient determination of the action. FedEx  
12 will contest class certification in this action as it did in *Clausnitzer*, and a determination of the  
13 same or substantially related or similar questions of law and fact is required, such that they would  
14 entail substantial duplication of labor if heard by different judges. FedEx will be filing a timely  
15 Motion to Transfer with its responsive pleadings that sets forth the grounds for transfer in greater  
16 particularity.

17  
18 Dated: May 13, 2008

19 /s/ Edward J. Efke  
20 Edward J. Efke (Admitted *Pro Hac Vice*)  
21 David S. Wilson, III (Bar No. 174185)  
22 FEDERAL EXPRESS CORPORATION  
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**PROOF OF SERVICE**

**STATE OF TENNESSEE, COUNTY OF SHELBY**

I hereby certify that on May 13, 2008, I electronically filed Defendant Federal Express Corporation's Notice of Pendency of Other Action with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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